

**CITY OF SEATTLE**

**ORDINANCE** \_\_\_\_\_

**COUNCIL BILL** \_\_\_\_\_

AN ORDINANCE relating to shoreline land use regulations; amending the Seattle Shoreline Master Program; Chapter 23.60 of the Seattle Municipal Code

WHEREAS, the City of Seattle (City) has a Shoreline Code that prohibits utility service uses, such as sewage and stormwater storage and treatment facilities, in the Conservancy Recreation (CR) Environment; and

WHEREAS, Seattle Public Utilities and King County's Department of Natural Resources and Parks Wastewater Treatment Division are required by federal and state water quality regulations to build sewage and stormwater storage and/or treatment facilities in the City; and

WHEREAS, the most practical and feasible locations for a sewage and stormwater storage and/or treatment facility in some areas of the City is within the CR environment due to hydraulic conditions;

NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 23.60.365 of the Seattle Municipal Code, which section was last amended by Ordinance 118793, is amended as follows:

**SMC 23.60.365 Administrative conditional uses in the CR Environment.**

The following uses may be authorized by the Director, with the concurrence of the Department of Ecology, as principal or accessory use, if the criteria for administrative conditional uses in WAC 173-27-160 are satisfied:

A. Single-family dwelling units constructed partially or wholly over water and meeting the following conditions:

1                   1. If located on a residentially zoned and privately owned lot established in the  
2 public records of the County or City prior to March 1, 1977 by deed, contract of sale, mortgage,  
3 platting, property tax segregation or building permit; and

4                   2. If the lot has less than ~~((thirty-))~~30~~((+))~~ feet but at least ~~((fifteen-))~~15~~((+))~~ feet  
5 of dry land calculated as provided for in measurements Section 23.60.956; and

6                   3. If the development is limited to the dry-land portion of the site, to the greatest  
7 extent possible, and particularly to the most level and stable portions of the dry-land area.

8                   B. Development standards of the underlying zone applicable to the single-family use in a  
9 CR environment may be waived or modified by the Director to minimize the amount of  
10 development over submerged lands.

11                  C. The following uses may be authorized in the CR Environment either as principal or  
12 accessory uses:

13                   1. The following uses when associated with a public park:

14                   a. Small craft center,

15                   b. Boat launching ramp for auto-trailer boats,

16                   c. The following non-water-dependent commercial uses:

17                   ~~((+))~~1) Sale and rental of small boats, boat parts and accessories,

18                   ~~((+))~~2) General sales and services, and

19                   ~~((+))~~3) Major durables retail sales, and

20                   ~~((+))~~4) Eating and drinking establishments;

21                   2. Community yacht, boat and beach clubs when:

22                   a. No eating and drinking establishments are included in the use,

23                   b. No more than one ~~((+))~~ pier or float is included in the use, and

24                   c. Any accessory pier or float meets the standards of Section 23.60.204 for  
25 piers and floats accessory to residential development.

1           D. \_\_\_\_\_

2                   1.Utility service uses for treating and storing stormwater and/or combined sewage  
3 are allowed as a shoreline conditional use if:

- 4                           a. They reasonably require a shoreline location to operate;  
5                           b. They are the minimum size necessary to meet the purpose; and  
6                           c. They mitigate adverse impacts to achieve no net loss of ecological  
7 functions.

8                   2.All other utility service uses are prohibited.

9           Section 2. Section 23.60.368 of the Seattle Municipal Code, which section was last  
10 amended by Ordinance 118663, is amended as follows:

11 **SMC 23.60.368 Prohibited uses in the CR Environment((:))**

12           The following uses shall be prohibited as principal uses in the CR Environment:

- 13           A. Residential uses except those permitted by Section 23.60.365\_A;  
14           B. Commercial uses except those specifically permitted by Section 23.60.365\_C;  
15           C. Utility uses except utility lines and utility service uses for treating and storing  
16 stormwater and/or combined sewage permitted pursuant to Section 23.60.365;  
17           D. Manufacturing uses;  
18           E. High-impact uses;  
19           F. Institutional uses except community clubs meeting the criteria of Section 23.60.365\_C;  
20           G. Public facilities not authorized pursuant to Section 23.60.370;  
21           H. Parks and open space uses except shoreline recreation uses permitted by Section  
22 23.60.360\_A;  
23           I. Agricultural uses except aquaculture;  
24           J. The following shoreline protective structures:

1 1. Groins and similar structures that block the flow of sand to adjacent beaches,  
2 except drift sills or other structures that are part of a natural beach protection system, and

3 2. Bulkheads on Class I beaches; and  
4 K. Landfill that creates dry land except as part of habitat mitigation or enhancement.

5 Section 3. This ordinance shall take effect and be in force 30 days after its approval by  
6 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
7 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

8 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2012, and  
9 signed by me in open session in authentication of its passage this  
10 \_\_\_\_ day of \_\_\_\_\_, 2012.

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12 \_\_\_\_\_  
13 President \_\_\_\_\_ of the City Council

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15 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

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17 \_\_\_\_\_  
18 Michael McGinn, Mayor

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20 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

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22 \_\_\_\_\_  
23 Monica Martinez Simmons, City Clerk

24 (Seal)